

Course Outline

Course number	RMT121
Course title	International Sales Law
Credit points	3 ECTS (2 CP)
Total hours	24 Contact Hours
Lecture hours	10
Seminar and other hours	14
Course level	Masters
Prerequisites	None

COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Gábor Palásti	PhD	Visiting professor

COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Gábor Palásti	PhD	Visiting professor

COURSE ABSTRACT

This course primarily focuses on the United Nations Convention on Contracts for the International Sale of Goods (CISG). The CISG is looked at through its text, case law and jurisprudence, including an introduction into the available on-line legal databases relevant for the subject. In addition, the International Commercial Terms (Incoterms) is described in detail. Other relevant sources (e.g. the Convention on the Limitation Period in the International Sale of Goods, private international law sources) are looked briefly. The course also provides an introduction into the complex legal and contractual background of internationally trading in goods.

LEARNING OUTCOMES

- **Knowledge**

Students are expected to become familiar with the structure of the legal background of the cross-border trade in goods, and in detail the contractual background of international transactions related to international sale. Students will become familiar with the contents of the CISG and the INCOTERMS, and with the main characteristics of the practical application of the CISG.

- **Competencies**

- Students gain competence over the legal handling of international trade transactions in goods. On the level of the basic legal structure of regulating international trade in goods the competence is very general. On the level of identifying and distinguishing relevant contract types, the competence is advanced. On the level of international sale of goods contracts under the CISG and INCOTERMS, the competence is advanced and covers the details of the regulatory framework, including, for the CISG, case law and jurisprudence.

- **Skills**

The skills that the students are expected to obtain include individual legal research in issues in which students gain knowledge and develop competences in this course, including the advanced use of on-line legal databases relevant

for the subject. Skills include providing critical in-depth legal analysis and legal advice over the subject matter of the course, for contract drafting, contract performance and dispute resolution under the CISG.

GRADING CRITERIA

Criteria	Weighting
Exam*	70-100%
Optional extra in-class case presentation	10%
Optional in-class mini test	10%
Optional in-class oral mini quiz	10%

* Students are offered to earn extra points into their final exam through the listed optional activities up to a total of 30% of the maximum exam score. Students not utilizing any of these options will be graded solely upon their exam performance. The exam is an open-book in-class multiple choice test. There is no attendance requirement for this course.

COURSE PLAN – MAIN SUBJECTS

No.	Main subjects	Planned hours
1	The general legal background of trading in goods internationally. The structure of the contractual framework of trading in goods internationally. Introduction into the use of relevant on-line databases.	6
2	The United Nations Convention on Contracts for the International Sale Of Goods (CISG): the text of the CISG, case law and jurisprudence.	14
3	Incoterms	4

COURSE PLAN – SESSIONS

Session	Session subjects and readings	Lecture/seminar
1	The general legal background of trading in goods internationally: the public law and private law of international trade.	Lecture
2	The structure of the contractual framework of the cross-border trading in goods. Major legal sources relating to contract relevant for international trade in goods.	Lecture
3	The legal structure of regulating sale of goods internationally: private international law and substantive law. Domestic sales law and international sales law. Major legal sources. On-line legal databases about the subject. Assigning cases for in-class presentations for the CISG seminars. The cases are contained in a separate file on the course Intranet page.	Lecture
4	The CISG 1: history, structure, the CISG as a legal source. Sphere of application. Articles 1-6	Seminar
5	The CISG 2: general provisions. Articles 7-13	Seminar
6	The CISG 3: formation of the contract. Articles 14-24, Article 29	Seminar
7	The CISG 4: obligations of the seller. Articles 30-44	Seminar
8	The CISG 5: obligations of the buyer 53-60. Remedies: Remedies for breach of contract: Articles 45-52, 61-65. Articles 26-28	Seminar
9	The CISG 6: fundamental breach, Article 25. Provisions common to the obligations of the seller and of the buyer. Articles 71-88.	Seminar
10	The CISG 7: passing of risk, Articles 66-71. Incoterms 1: legal nature, application.	Lecture
11	Incoterms 2: clauses.	Lecture
12	Comprehensive exercises under the CISG	Seminar

COURSE RESULTS

By completing the study course and successfully passing examination, the student will be able to:

<i>Study results</i>	<i>Evaluation criteria</i>		
	<i>(40-69%)</i>	<i>(70-89%)</i>	<i>(90-100%)</i>
Knowledge	The student has acquired only basic knowledge of the course subject. The student lacks understanding of some of the core issues of the course subject.	Overall, the student's knowledge complies with the expectations. However, there are issues that the student does not fully understand.	The student has demonstrated in-depth knowledge and understanding of the issues related to the course subject.
Skills	The student has demonstrated only basic level of skills.	The student has demonstrated good skills.	The student has demonstrated excellent skills.
Competencies	The student can apply the knowledge only at a basic level. The student struggles with assessment and evaluation of legal issues. The student can identify the relevant legal norms. However, the student cannot correctly apply them.	The student can apply the knowledge at a reasonably good level. However, the student does not have the necessary level to be able to fully apply the acquired knowledge independently. The student has some problems to correctly apply the legal norms.	The student is able to apply the knowledge independently and correctly. The student can assess and evaluate legal issues, identify the relevant legal norms, and correctly apply them.

COURSE LITERATURE

<i>No.</i>	<i>Author, title, publisher</i>
Mandatory reading materials	
1	<p>Legal sources</p> <ul style="list-style-type: none"> The United Nations Convention on Contracts for the International Sale Of Goods (CISG) (Vienna, 1980), available online at: https://www.cisg.law.pace.edu/cisg/text/treaty.html. Incoterms 2010, uploaded onto the course Intranet page
2	<p>Case law</p> <p>Selected cases for the CISG available from the "Albert H. Kritzer CISG Database" at http://www.cisg.law.pace.edu/ A separate file contains the list of cases assigned for each seminar.</p>
3	<p>Jurisprudence</p> <ul style="list-style-type: none"> Schwenzer I. (ed.), <i>Commentary on the UN Convention on the International Sale of Goods (CISG)</i>, fourth edition, New York, Oxford University Press, 2016. (excerpts available on the course Intranet page) Ramberg J., <i>ICC Guide to Incoterms® 2010</i>, Paris, ICC Services Publications, 2011.

Supplementary reading materials	
4	<p style="text-align: center;">Legal sources</p> <ul style="list-style-type: none"> • CISG Advisory Council's Opinions, available online at: http://www.cisgac.com/opinions/#op. • Convention relating to a Uniform Law on the International Sale of Goods (The Hague, July 1, 1964), at: https://www.unidroit.org/instruments/international-sales/international-sales-ulis-1964 • Convention Relating To A Uniform Law On The Formation Of Contracts For The International Sale Of Goods (The Hague, 1964), at: https://www.unidroit.org/instruments/international-sales/international-sales-ulfc-1964-en • Convention on the Limitation Period in the International Sale of Goods (New York, 1974), available online at: http://www.uncitral.org/uncitral/en/uncitral_texts/sale_goods/1974Convention_limitation_period.html • Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I), available online at: http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008R0593&from=EN • Convention on the Law Applicable to International Sales of Goods, at: https://www.jus.uio.no/english/services/library/treaties/11/11-02/law-international-sales.xml • Convention on the Contract for the International Carriage of Goods by Road (CMR) (Geneva, 1956), available online at: https://www.jus.uio.no/lm/un_cmr.road.carriage.contract.convention.1956/doc.html • A selection of carriage conventions deposited with and other related legal sources managed by the UNCITRAL: https://uncitral.un.org/en/texts/transportgoods • A selection of payment conventions deposited with and other related legal sources managed by the UNCITRAL: https://uncitral.un.org/en/texts/payments
5	<p style="text-align: center;">Jurisprudence</p> <ul style="list-style-type: none"> • DiMatteo, L. A. (ed.), <i>International Sales Law: A Global Challenge</i>, New York, Cambridge University Press, 2014. • DiMatteo L. A., Ostas D. T., "Comparative Efficiency in International Sales Law", <i>American University International Law Review</i>, Volume 26, Issue 2, 2011, pp. 371-440. • DiMatteo L. A., "CISG as Basis of a Comprehensive International Sales Law", <i>Villanova Law Review</i>, Vol. 58, Issue 4, 2013, pp. 691-722. • Ferrari F., "Autonomous Interpretation versus Homeward Trend versus Outward Trend in CISG Case Law", <i>Uniform Law Review</i>, Volume 22, Issue 1, March 2017, pp. 244-257. • Ferrari F., "Applying the CISG in a Truly Uniform Manner: <i>Tribunale di Vigevano</i> (Italy) 12 July 2000", <i>Uniform Law Review</i>, Vol. 6, Issue 1 (2001), pp. 203-215 (also available online at: http://www.cisg.law.pace.edu/cisg/biblio/ferrari4.html). • Ferrari F., "What Sources of Law for Contracts for the International Sale of Goods? Why One has to Look Beyond the CISG", available online at: http://www.cisg.law.pace.edu/cisg/biblio/ferrari15.html. • Ramberg J., "Incoterms 2010", <i>Penn State International Law Review</i>, Vol. 29, Issue 3 (Winter 2011), pp. 415-424. • Schwenzer I., "The CISG – Successes and Pitfalls", <i>American Journal of Comparative Law</i>, Vol. 57, Issue 2, Spring 2009, pp. 457-478 (also available online at: http://www.cisg.law.pace.edu/cisg/biblio/schwenzer-hachem.html). • Spagnolo L., "A Glimpse through the Kaleidoscope: Choice of Law and the CISG (Kaleidoscope Part I)", available online at: http://www.cisg.law.pace.edu/cisg/biblio/spagnolo3.html. • Spagnolo L., "Rats in the Kaleidoscope: Rationality, Irrationality, and the Economics and Psychology of Opting In and Out of the CISG (Kaleidoscope Part II)", available online at: http://www.cisg.law.pace.edu/cisg/biblio/spagnolo4.html. • Spagnolo L., "Iura Novit Curia and the CISG: Resolution of the Faux Procedural Black Hole", available online at: http://www.cisg.law.pace.edu/cisg/biblio/bib2.html.

Programme director	/signature/	/date/

Field expert	/signature/	/date/
Course responsible	/signature/	/date/